

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nicklos Rosenbloom,

Civil No. 09-1582 (DWF/SRN)

Plaintiff,

v.

ORDER AND MEMORANDUM

General Nutrition Center, Inc., a/k/a
General Nutrition Corporation; Dallas
Henry; and Shane VonBehren,

Defendants.

This matter is before the Court on Plaintiff's request for permission to file a motion for reconsideration of the Court's December 7, 2011 Order directing disbursement of \$13,314.50 in attorney fees to Scott Selmer, asserting that the fees were not earned, are unreasonable, and are inconsistent with the Court's May 18, 2010 Order. Local Rule 7.1(h) states: "Motions to reconsider are prohibited except by express permission of the Court, which will be granted only upon a showing of compelling circumstances." D.Minn. LR 7.1(h). Having fully considered the submissions of the parties and arguments of counsel, the Court concludes that Plaintiff has failed to demonstrate compelling circumstances to justify a motion to reconsider this Court's decision. The Court thus denies Plaintiff's request for the reasons stated in the memorandum below.

Based upon the presentations of the parties, the Court having again reviewed the procedural history of this file and the contents of the file, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Nicklos Rosenbloom's motion and request to file a motion for reconsideration pursuant to Local Rule 7.1(h) is respectfully **DENIED**.
2. The attached memorandum is made a part hereof.

Dated: February 23, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

First of all, the Court respects and appreciates the fact that counsel proceeded at this stage of the case on behalf of Mr. Rosenbloom. However, the most significant fact in the case that influenced the Court's decision in this matter was not noted in the Plaintiff's request for reconsideration. (*See* the Order signed by the Honorable William R. Howard, Judge of the State District Court for the Fourth Judicial District on October 18, 2011.)

On October 17, 2011, a hearing was held in State District Court in the matter of *Scott Selmer and Conner McAlister Selmer, LLC v. Nicklos Rosenbloom*. At that time, the presiding Judge was the Honorable William R. Howard. Admittedly, Nicklos Rosenbloom appeared *pro se*, but there were no concerns expressed by the Court or anyone else present in the courtroom about the ability of Mr. Rosenbloom to understand and proceed with the hearing. At that hearing, and on the record, the parties agreed to enter into what the Judge referred to as a "global settlement resolution of the matter." Pursuant to that "global settlement resolution," Nicklos Rosenbloom stipulated to a

judgment in favor of Plaintiff Scott Selmer and his law firm in the settlement amount of \$12,892.50 plus \$422 in costs for a total judgment of \$13,314.50. That judgment was neither vacated nor appealed in any fashion. It is that judgment, which was pursuant to an agreement between Nicklos Rosenbloom and Scott Selmer, that the Honorable William R. Howard approved that formed the primary basis for the Court's decision in the above-entitled matter.

Consequently, based upon the record before this Court, including the proceedings in Hennepin County and specifically Judge William R. Howard's Order of October 18, 2011, the Court has respectfully denied the Plaintiff's request to file a motion for reconsideration.

D.W.F.